

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LAWRENCE P. MILLER, ) No. C 11-02283 JF (PR)  
Petitioner, ) ORDER OF DISMISSAL  
vs. )  
GARY SWARTHOUT, Warden, )  
Respondent. )

On May 9, 2011, Petitioner filed this pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On that same day, the Clerk of the Court sent a notification to Petitioner that his petition was deficient because he did not pay the filing fee nor file an In Forma Pauperis (“IFP”) Application. (Docket No. 2.) The notification included the warning that the case would be dismissed if Petitioner failed to respond within thirty days. (Id.) The deadline has since passed, and Petitioner has failed to respond by either paying the filing fee or filing an IFP application.

Accordingly, this case is DISMISSED without prejudice for failure to pay the filing fee. The Clerk shall terminate any pending motions and close the file.

IT IS SO ORDERED.

Dated: 7/5/11

  
JEREMY FOGEL  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

LAWRENCE P. MILLER,

Case Number: CV11-02283 JF

Petitioner,

**CERTIFICATE OF SERVICE**

v.

GARY SWARTHOUT, Warden,

Respondent.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 7/28/11, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Lawrence P. Miller G-08873  
PO Box 4000  
Vacaville, CA 95696-4000

Dated: 7/28/11

Richard W. Wieking, Clerk